

REMARKS/ARGUMENTS

With this Amendment, claims 11-14 are being added. No new matter is added. Therefore, claims 2, 3, 5, 6 and 11-14 are all the claims currently pending in the application. Based on the following remarks, Applicants respectfully request reconsideration of the application and allowance of the claims.

I. Rejection of Claims 2, 3, 5 & 6 Under 35 U.S.C. § 103(a)

Claims 2, 3, 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Yang, et al.*, “A New Self-routing Multicast Network,” IEEE, December 1999, (hereinafter “*Yang*”), in view of *Li et al.*, “Design and Implementation of the Scalable Multicast Balanced Gamma (Bridgelall) Switch,” IEEE, October 14 – 16, 2002 (hereinafter “*Li*”). As explained below, Applicants respectfully disagree and traverses the rejection of the claims as being unpatentable over *Yang*, in view of *Li*. Applicants have, however, added new claims 11-14 to recite further patentable features. In view of the new claims and remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

The Official Action rejects all of Claims 2, 3, 5 and 6 as being unpatentable over *Yang*, in view of *Li*. Applicants note, however, that *Li* is not prior art to the claimed invention. That is, Applicants submit that the current application was filed on February 23, 2002, which is prior to the publication date of *Li*, i.e., October 14-16, 2002. Accordingly, Applicants submit that *Li* is not prior art under § 102, and accordingly under § 103(a). Applicants note that the Examiner correctly conceded that *Yang* does not teach or suggest all of the features of claims 2, 3, 5 and 6; Applicants expressly making no admission as to whether *Yang* discloses any of the other features of claims 2, 3, 5 and 6.

Applicants therefore respectfully submit that *Yang* does not teach or suggest all of the features of claims 2, 3, 5 and 6, and that *Yang* may not properly be combined with *Li* to support a rejection of claim 2 under § 103(a). Applicants therefore respectfully request reconsideration and withdraw the § 103(a) rejection of claims 2, 3, 5 and 6.

II. New Claims

Applicants herein add new claims 11-14 to provide more varied protection of Applicants' invention as described in the specification. In addition to their dependencies from independent claims 2, 3, 5 and 6, Applicants submit that claims 11-14 are independently patentable given that the cited references, alone or in combination do not teach or suggest the features of these claims. Support for new claims 11-14 may be found at least on page 240 at lines 11-15 and page 245 at lines 12-18 of the originally filed specification.

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III. Conclusion

In view of the new claims and the foregoing remarks, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Mered is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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